

CHAPTER 45

[Engrossed Senate Bill No. 2122]

FOREIGN JUDGMENTS

AN ACT Relating to civil procedure; adding new sections to chapter 6.36 RCW; repealing section 2, chapter 191, Laws of 1953 and RCW 6.36.020; repealing section 3, chapter 191, Laws of 1953 and RCW 6.36.030; repealing section 4, chapter 191, Laws of 1953 and RCW 6.36.040; repealing section 5, chapter 191, Laws of 1953 and RCW 6.36.050; repealing section 6, chapter 191, Laws of 1953 and RCW 6.36.060; repealing section 7, chapter 191, Laws of 1953 and RCW 6.36.070; repealing section 8, chapter 191, Laws of 1953 and RCW 6.36.080; repealing section 9, chapter 191, Laws of 1953 and RCW 6.36.090; repealing section 10, chapter 191, Laws of 1953 and RCW 6.36.100; repealing section 11, chapter 191, Laws of 1953 and RCW 6.36.110; and repealing section 12, chapter 191, Laws of 1953 and RCW 6.36.120.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. A copy of any foreign judgment authenticated in accordance with the act of congress or the statutes of this state may be filed in the office of the clerk of any superior court of any county of this state. The clerk shall treat the foreign judgment in the same manner as a judgment of the superior court of this state. A judgment so filed has the same effect and is subject to the same procedures, defenses, set-offs, counterclaims, cross-complaints, and proceedings for reopening, vacating, or staying as a judgment of a superior court of this state and may be enforced or satisfied in like manner.

NEW SECTION. Sec. 2. (1) At the time of the filing of the foreign judgment, the judgment creditor or the judgment creditor's lawyer shall make and file with the clerk of court an affidavit setting forth the name and last known post office address of the judgment debtor, and the judgment creditor.

(2) Promptly upon the filing of the foreign judgment and the affidavit, the clerk shall mail notice of the filing of the foreign judgment to the judgment debtor at the address given and shall make a note of the mailing in the docket. The notice shall include the name and post office address of the judgment creditor and the judgment creditor's lawyer if any in this state. In addition, the judgment creditor may mail a notice of the filing of the judgment to the judgment debtor and may file proof of mailing with the clerk. Lack of notice of filing by the clerk shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed.

(3) No execution or other process for enforcement of a foreign judgment filed hereunder shall issue until ten days after the date the judgment is filed or until ten days after mailing the notice of filing, whether mailed by the clerk or judgment debtor, whichever is later.

NEW SECTION. Sec. 3. (1) If the judgment debtor shows the superior court of any county that an appeal from the foreign judgment is pending or will be taken, or that a stay of execution has been granted, the court shall stay enforcement of the foreign judgment until the appeal is concluded, the time for appeal expires, or the stay of execution expires or is vacated, upon proof that the judgment debtor has furnished the security for the satisfaction of the judgment required by the state in which it was rendered.

(2) If the judgment debtor shows the superior court of any county any ground upon which enforcement of a judgment of a superior court of any county of this

state would be stayed, the court shall stay enforcement of the foreign judgment for an appropriate period, upon requiring the same security for satisfaction of the judgment which is required in this state.

NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

- (1) Section 2, chapter 191, Laws of 1953 and RCW 6.36.020;
- (2) Section 3, chapter 191, Laws of 1953 and RCW 6.36.030;
- (3) Section 4, chapter 191, Laws of 1953 and RCW 6.36.040;
- (4) Section 5, chapter 191, Laws of 1953 and RCW 6.36.050;
- (5) Section 6, chapter 191, Laws of 1953 and RCW 6.36.060;
- (6) Section 7, chapter 191, Laws of 1953 and RCW 6.36.070;
- (7) Section 8, chapter 191, Laws of 1953 and RCW 6.36.080;
- (8) Section 9, chapter 191, Laws of 1953 and RCW 6.36.090;
- (9) Section 10, chapter 191, Laws of 1953 and RCW 6.36.100;
- (10) Section 11, chapter 191, Laws of 1953 and RCW 6.36.110; and
- (11) Section 12, chapter 191, Laws of 1953 and RCW 6.36.120.

NEW SECTION. Sec. 5. Sections 1 through 3 of this 1977 act shall each be added to chapter 6.36 RCW.

Passed the Senate May 12, 1977.

Passed the House May 9, 1977.

Approved by the Governor May 24, 1977.

Filed in Office of Secretary of State May 24, 1977.

CHAPTER 46

[Substitute Senate Bill No. 2125]

RAILROAD BRIDGES AND TRESTLES—WALKWAYS AND HANDRAILS

AN ACT Relating to railway bridges; and amending section 81.44.020, chapter 14, Laws of 1961 and RCW 81.44.020.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 81.44.020, chapter 14, Laws of 1961 and RCW 81.44.020 are each amended to read as follows:

If upon investigation the commission shall find that the equipment or appliances in connection therewith, or the apparatus, tracks, bridges or other structures of any common carrier are defective, and that the operation thereof is dangerous to the employees of such common carrier or to the public, it shall immediately give notice to the superintendent or other officer of such common carrier of the repairs or reconstruction necessary to place the same in a safe condition, and may also prescribe the rate of speed for trains or cars passing over such dangerous or defective track, bridge or other structure until the repairs or reconstruction required are made, and may also prescribe the time within which the same shall be made. Or if, in its opinion, it is needful or proper, it may forbid the running of trains or cars over any defective track, bridge or structure until the same be repaired and placed in a safe condition. Failure of a railroad bridge or trestle to be equipped with walkways and handrails may be identified as an unsafe or defective condition under this section after hearing had by the commission upon complaint or on its own motion. The commission in making such determination shall balance considerations of employee